

Application No. 09/382,382
Third Supplemental Information Disclosure Statement

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VIA FACSIMILE TRANSMISSION - OFFICIAL
To: Fax Number 703-872-9306
December 5, 2004

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

In re application of: Harley Kent Heinrich et al.

Examiner: William L. Bangachon

Serial Number: 09/382,382

Art Unit: 2635

Filed: 08/24/99

For: "Radio Frequency Identification System With Write Broadcast Capability"
(Attorney Docket No. YO995-218)

Mail Stop Non-Fee Amendment
Commissioner for Patents
Alexandria, VA 22313

Third Supplemental Information Disclosure Statement

The accompanying IDS Document Listing (sheet one of one), provides a list of documents which may be relevant to the subject application.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that, on the date shown below, this Third Supplemental Information Statement consisting of three pages, an IDS Listing of one page, a copy of an Official Action dated 12/03/2002 (of five pages), claims 21-40 (three pages) acted upon by the Official Action, and the two reference patents relied upon in the Official Action, are being facsimile transmitted to the U.S. Patent and Trademark Office.

Date: December 5, 2004


John H. Sherman, Reg. No. 16,909

Application No. 09/382,382
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REMARKS

As provided in 37 CFR 1.97(g) and (h), the filing of this statement should not be construed as a representation that a search has been made, or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 CFR 1.56(b). Moreover, this statement does not constitute an admission by the Applicant or the Applicant's Attorney that the information provided herein is necessarily prior art to the Applicant's invention.

It is respectfully requested that the documents cited in this Information Disclosure Statement (IDS) be considered by the Examiner, and made of record.

Copies of the documents as listed on enclosed sheet one of the attached IDS Document Listing, are enclosed. The enclosed documents are references cited in the enclosed Official Action of 12/03/2002 in a continuing patent application based on the subject matter of USP 5,673,037 which was relied upon in rejecting certain of the claims presently pending herein in Section 17 at Pages 10-13 of an Official Action dated 11/07/2001, Paper Number 4, of the present application (before being removed per 35 USC 103c by virtue of common ownership). Applicant submitted an IDS on September 29, 2003 in the present application citing the European Counterpart EP 0 702 323 of USP 5,673,037, and EP 0 702 324, the European counterpart of USP 5,550,547 the other reference in Paper Number 4 which was removed pursuant to 35 USC 103c for common ownership. European Published Applications EP 0 702 323 and EP 0 702 324 were both published on March 20, 1996, prior to the effective filing date of August 9, 1996 for the presently pending claims herein.

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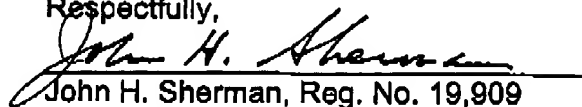
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To: Fax Number 703-872-9306

December 5, 2004

Please charge any underpayments related to this paper or credit any excess to Deposit
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Respectfully,



John H. Sherman, Reg. No. 19,909
c/o Legal Department
Intermec Technologies Corporation
550 Second Street, SE
Cedar Rapids, IA 52401

- Enclosures: (1) Information Disclosure Statement Listing (Sheet One of One)
- (2) Copy of Official Action (Five Pages) from a Continuing Application
Based on Radio Frequency Group Select US Patent 5,673,037,
and Copy of Claims 21-40 (Pages 2-4) Acted Upon in the Official
Action
- (3) Copies of the Two Reference Patents Relied Upon in the Official
Action, and as Listed on the Information Disclosure Listing of
Enclosure (1)

PTO/9B/08a (05-03)

Approved for use through 05/31/2003. OMB 0851-0031

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet	One
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Complete If Known

Application Number	09/382,382
Filing Date	08/24/1999
First Named Inventor	Harley Kent Heinrich
Art Unit	2635
Examiner Name	William L. Bangachon
Attorney Docket Number	YO995-218

U P DO U

[illegible]**FOREIGN PATENT DOCUMENTS**[illegible]

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the Indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 18 If possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/211,549	12/15/1998	CHRISTIAN LENZ CESAR	YO994-184A	9755

7590 12/03/2002
JOHN H SHERMAN
INTERMEC TECHNOLOGIES
550 2ND STREET S E
CEDAR RAPIDS, IA 52401

EXAMINER

HOLLOWAY III, EDWYN C

ART UNIT PAPER NUMBER

2635

DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/211,549	CESAR ET AL.	
	Examiner	Art Unit	
	Edwin C. Holloway, III	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

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EXAMINER'S RESPONSE

1. In response to applicant's amendment filed 9-16-02, all the amendments to the specification and claims have been entered. The examiner has considered the new presentation of claims and applicant's arguments in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

Terminal Disclaimer

2. The terminal disclaimer filed on 9-16-02 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Patent No. 5673037 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 102 & 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 21-22, 24-33 and 35-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Snodgrass (US 5365551).

Snodgrass discloses a method and system to command selected subgroups of tags meeting criteria in the command to change state including setting or clearing a locked bit or flag. The command includes mask and branch values representing a logical operation and the tags in the subgroup generate a response including an ID or partial ID. See at least cols. 11 and 14-15.

5. Claims 21-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snodgrass (US 5365551) as applied above in combination with Raj (US 5008661).

Raj discloses an analogous art transponder tag method and system with

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commands (fig. 12) specifying selection criteria such as class, and change of state such as shut down or wake up. The commands include logical operations such as AND, with complex operations as shown in fig. 17.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Snodgrass the selection criteria other than ID as disclosed in Raj in order to select classes of tags. It further would have been obvious to have included complex logical operations including AND in view of the operation of Raj in order to poll all desired tags. It further would have been obvious to have included states such as shut down or wake up and transmit requested data such as ID as disclosed in Raj for flexible control.

Response to Arguments

6. Applicant's arguments filed 9-16-02 have been fully considered but they are not persuasive. The argument that Snodgrass changes state of only one tag of a subgroup rather than the claimed "one or more" is not persuasive because the disclosure of one tag anticipates the alternative claim language of one or more in claim 21. Claim 35 is properly anticipated by Snodgrass because claim 35 does not specify more than one tag in the subgroup. Further, although col. 14 lines 50 discloses narrowing down to one responder, col. 15 lines 23-35 discloses specifying the same group. This would result in an other tag in the same group having its lock bit set, as best understood. Col. 15 lines 47-62 and col. 16 lines 8-58 discloses that tags recognizing a proper subgroup defined by arbitration number and mask, the tag enters and remains in the decode state 316 to process commands. Note that some, not all, commands require a further condition

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such as the lock bit. Response to commands is not limited to one tag. For example, col. 14 lines 17-23 includes clearing lock bit of each tag in a group. Col. 22 lines 22-60 clearly discloses using characteristics of a command signal to limit or expand the subset or subgroup of responder stations to which the command is directed. The plural "stations" in Snodgrass anticipates the argued "one or more."

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


CONTACT INFORMATION

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology center 2600 receptionist whose telephone number is **(703) 305-4700**.

Facsimile submissions may be sent via fax number (703) 872-9314 to customer service for entry by technical support staff. Questions regarding fax submissions should be directed to customer service voice line (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (703) 305-4818. The examiner can normally be reached on M-F (8:30:-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704.

EH
12/1/02


EDWIN C. HOLLOWAY, III
PRIMARY EXAMINER
ART UNIT 2635

--CROSS-REFERENCE TO RELATED APPLICATIONS

--This application is a continuation of Application No. 08/694,606 filed August 9, 1996, now U.S. Patent No. 5,942,987 issued August 24, 1999, which in turn is a continuation-in-part of Application No. 08/303,965 filed September 9, 1994, now U.S. Patent 5,673,037 issued September 30, 1997.--

IN THE CLAIMS

Please cancel claims 1 through 20, without prejudice, and substitute the following claims:

--21. A method of selecting a desired sub-group from a group of radio frequency tags in which each of the tags includes a memory storing information relating to the selection of the tag, the method comprising the steps of:

(a) transmitting a radio frequency command signal to the group of radio frequency tags for selecting the sub-group, the command signal defining a certain selection criteria; and,

(b) changing the state of the or each tag in the sub-group meeting the selection criteria such that the tag or tags meeting the selection criteria respond in a different manner from the other tags in the group, and such that the or each selected tag may remain in the changed state to facilitate subsequent processing.--

--22. A method according to Claim 21, in which the selection criteria includes a logical comparison in addition to an equality comparison.--

--23. A method according to Claim 21, in which a logical comparison is made between a data value sent to the radio frequency tags and a tag value other than a tag identification code stored in the tag memory.--

--24. A method according to Claim 21, in which a logical comparison is made between a data value sent to the radio frequency tags and a part of the tag value stored in the tag memory, the part of the tag value being determined based on a selection mask.--

- 25. A method according to Claim 21, in which the steps (a) and (b) are repeated one or more times to define one or more further sub-groups, and in which at least one logical operation is carried out between the sub-groups to select the tag or tags in the desired sub-group.--
- 26. A method according to Claim 25, in which at least one of the logical operations is such as to change the state of at least one selected tag to an unselected state.--
- 27. A method according to Claim 25, in which the logical operation comprises at least one of an OR and an AND operation.--
- 28. A method according to Claim 21, in which the selection criteria comprises a complex logical equation.--
- 29. A method according to Claim 21, in which the data in the memory of a selected tag is changed.--
- 30. A method according to Claim 21, in which the or each selected tag sends a tag identifier.--
- 31. A method according to Claim 21, in which the group of tags are queried to indicate whether the selected sub-group has one or more members.--
- 32. A method according to Claim 21, in which a flag is set at a remote station when it is determined that the selected subgroup contains one or more tags.--
- 33. A method according to Claim 32, in which the flag is an alarm, and the selection condition is that of a security breach.--
- 34. A method according to Claim 21, in which the command signal is associated with no particular tag identification code.--
- 35. A system for selecting a sub-group from a group of radio frequency tags comprising:
a transmitter for transmitting a radio frequency command signal defining selection criteria for the selection of the sub-group; and,
a plurality of tags, each including:

a memory storing information relating to the selection of the tag;
a receiver for receiving the radio frequency command signal from
the transmitter;

a logic means for responding to the command signal and for carrying
out a function based on the command signal and the information stored in the
memory relating to the selection of the tag to determine whether the selection
criteria are met by the tag, and if so changing the state of the tag to a state different
from other tags not meeting the selection criteria, and in which the tag may remain
in the changed state to facilitate further processing.--

--36. A system according to Claim 35, in which the tags comprise a
transmitter for transmitting a signal when the state of the tag is changed to a
selected state.--

--37. A system according to Claim 35, in which a receiver receives a
signal transmitted from the or each selected tag to determine the presence of a tag
meeting the selection criteria.--

--38. A system according to Claim 35, in which while a tag remains in the
different state because it met the selection criteria defined by a previous command
signal, the transmitter transmits a further radio frequency command signal
defining further selection criteria, and the logic means of the tag carries out a
further function based on the further command signal and the information stored in
memory of the tag, to further change the state of the tag.--

--39. A system according to Claim 35, in which the logic means carries
out a logical operation which comprises at least one of an OR and AND operation
to effect selection of one or more tags.--

--40. A system according to Claim 35, wherein the command signal is
associated with no particular tag identification code.--